

1 A bill to be entitled
 2 An act relating to controlled substances; amending s.
 3 893.02, F.S.; defining the term "homologue" for purposes
 4 of the Florida Comprehensive Drug Abuse Prevention and
 5 Control Act; amending s. 893.03, F.S.; including certain
 6 hallucinogenic substances on the list of controlled
 7 substances in Schedule I; reenacting ss. 893.13(1), (2),
 8 (4) and (5), 893.135(1)(1), and 921.0022(3)(b), (c), and
 9 (e), F.S., relating to prohibited acts and penalties
 10 regarding controlled substances and the offense severity
 11 chart of the Criminal Punishment Code, to incorporate the
 12 amendment to s. 893.03, F.S., in references thereto;
 13 providing an effective date.

14
 15 Be It Enacted by the Legislature of the State of Florida:

16
 17 Section 1. Present subsections (11) through (22) of
 18 section 893.02, Florida Statutes, are redesignated as
 19 subsection (12) through (23), respectively, and a new
 20 subsection (11) is added to that section, to read:

21 893.02 Definitions.—The following words and phrases as
 22 used in this chapter shall have the following meanings, unless
 23 the context otherwise requires:

24 (11) "Homologue" means a chemical compound in a series in
 25 which each compound differs by one or more alkyl functional
 26 groups on an alkyl side chain.

27 Section 2. Paragraph (c) of subsection (1) of section
 28 893.03, Florida Statutes, is amended to read:

29 893.03 Standards and schedules.—The substances enumerated
30 in this section are controlled by this chapter. The controlled
31 substances listed or to be listed in Schedules I, II, III, IV,
32 and V are included by whatever official, common, usual,
33 chemical, or trade name designated. The provisions of this
34 section shall not be construed to include within any of the
35 schedules contained in this section any excluded drugs listed
36 within the purview of 21 C.F.R. s. 1308.22, styled "Excluded
37 Substances"; 21 C.F.R. s. 1308.24, styled "Exempt Chemical
38 Preparations"; 21 C.F.R. s. 1308.32, styled "Exempted
39 Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt
40 Anabolic Steroid Products."

41 (1) SCHEDULE I.—A substance in Schedule I has a high
42 potential for abuse and has no currently accepted medical use in
43 treatment in the United States and in its use under medical
44 supervision does not meet accepted safety standards. The
45 following substances are controlled in Schedule I:

46 (c) Unless specifically excepted or unless listed in
47 another schedule, any material, compound, mixture, or
48 preparation which contains any quantity of the following
49 hallucinogenic substances or which contains any of their salts,
50 isomers, and salts of isomers, whenever the existence of such
51 salts, isomers, and salts of isomers is possible within the
52 specific chemical designation:

- 53 1. Alpha-ethyltryptamine.
- 54 2. 2-Amino-4-methyl-5-phenyl-2-oxazoline (4-
55 methylaminorex).
- 56 3. 2-Amino-5-phenyl-2-oxazoline (Aminorex).

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- 57 | 4. 4-Bromo-2,5-dimethoxyamphetamine.
- 58 | 5. 4-Bromo-2, 5-dimethoxyphenethylamine.
- 59 | 6. Bufotenine.
- 60 | 7. Cannabis.
- 61 | 8. Cathinone.
- 62 | 9. Diethyltryptamine.
- 63 | 10. 2,5-Dimethoxyamphetamine.
- 64 | 11. 2,5-Dimethoxy-4-ethylamphetamine (DOET).
- 65 | 12. Dimethyltryptamine.
- 66 | 13. N-Ethyl-1-phenylcyclohexylamine (PCE) (Ethylamine
- 67 | analog of phencyclidine).
- 68 | 14. N-Ethyl-3-piperidyl benzilate.
- 69 | 15. N-ethylamphetamine.
- 70 | 16. Fenethylamine.
- 71 | 17. N-Hydroxy-3,4-methylenedioxyamphetamine.
- 72 | 18. Ibogaine.
- 73 | 19. Lysergic acid diethylamide (LSD).
- 74 | 20. Mescaline.
- 75 | 21. Methcathinone.
- 76 | 22. 5-Methoxy-3,4-methylenedioxyamphetamine.
- 77 | 23. 4-methoxyamphetamine.
- 78 | 24. 4-methoxymethamphetamine.
- 79 | 25. 4-Methyl-2,5-dimethoxyamphetamine.
- 80 | 26. 3,4-Methylenedioxy-N-ethylamphetamine.
- 81 | 27. 3,4-Methylenedioxyamphetamine.
- 82 | 28. N-Methyl-3-piperidyl benzilate.
- 83 | 29. N,N-dimethylamphetamine.
- 84 | 30. Parahexyl.

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- 85 31. Peyote.
- 86 32. N-(1-Phenylcyclohexyl)-pyrrolidine (PCPY) (Pyrrolidine
87 analog of phencyclidine).
- 88 33. Psilocybin.
- 89 34. Psilocyn.
- 90 35. Salvia divinorum, except for any drug product approved
91 by the United States Food and Drug Administration which contains
92 Salvia divinorum or its isomers, esters, ethers, salts, and
93 salts of isomers, esters, and ethers, whenever the existence of
94 such isomers, esters, ethers, and salts is possible within the
95 specific chemical designation.
- 96 36. Salvinorin A, except for any drug product approved by
97 the United States Food and Drug Administration which contains
98 Salvinorin A or its isomers, esters, ethers, salts, and salts of
99 isomers, esters, and ethers, whenever the existence of such
100 isomers, esters, ethers, and salts is possible within the
101 specific chemical designation.
- 102 37. Tetrahydrocannabinols.
- 103 38. 1-[1-(2-Thienyl)-cyclohexyl]-piperidine (TCP)
104 (Thiophene analog of phencyclidine).
- 105 39. 3,4,5-Trimethoxyamphetamine.
- 106 40. 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-
107 yl)phenol, also known as CP 47,497 and its dimethyloctyl (C8)
108 homologue.
- 109 41. (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-
110 methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol,
111 also known as HU-210.
- 112 42. 1-Pentyl-3-(1-naphthoyl)indole, also known as JWH-018.

113 | 43. 1-Butyl-3-(1-naphthoyl)indole, also known as JWH-073.

114 | 44. 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl) indole,
 115 | also known as JWH-200.

116 | Section 3. For the purpose of incorporating the amendment
 117 | made by this act to section 893.03, Florida Statutes, in
 118 | references thereto, subsections (1), (2), (4), and (5) of
 119 | section 893.13, Florida Statutes, are reenacted to read:

120 | 893.13 Prohibited acts; penalties.—

121 | (1) (a) Except as authorized by this chapter and chapter
 122 | 499, it is unlawful for any person to sell, manufacture, or
 123 | deliver, or possess with intent to sell, manufacture, or
 124 | deliver, a controlled substance. Any person who violates this
 125 | provision with respect to:

126 | 1. A controlled substance named or described in s.
 127 | 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4.,
 128 | commits a felony of the second degree, punishable as provided in
 129 | s. 775.082, s. 775.083, or s. 775.084.

130 | 2. A controlled substance named or described in s.
 131 | 893.03(1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6.,
 132 | (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) commits a felony of
 133 | the third degree, punishable as provided in s. 775.082, s.
 134 | 775.083, or s. 775.084.

135 | 3. A controlled substance named or described in s.
 136 | 893.03(5) commits a misdemeanor of the first degree, punishable
 137 | as provided in s. 775.082 or s. 775.083.

138 | (b) Except as provided in this chapter, it is unlawful to
 139 | sell or deliver in excess of 10 grams of any substance named or
 140 | described in s. 893.03(1) (a) or (1) (b), or any combination

141 thereof, or any mixture containing any such substance. Any
 142 person who violates this paragraph commits a felony of the first
 143 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 144 775.084.

145 (c) Except as authorized by this chapter, it is unlawful
 146 for any person to sell, manufacture, or deliver, or possess with
 147 intent to sell, manufacture, or deliver, a controlled substance
 148 in, on, or within 1,000 feet of the real property comprising a
 149 child care facility as defined in s. 402.302 or a public or
 150 private elementary, middle, or secondary school between the
 151 hours of 6 a.m. and 12 midnight, or at any time in, on, or
 152 within 1,000 feet of real property comprising a state, county,
 153 or municipal park, a community center, or a publicly owned
 154 recreational facility. For the purposes of this paragraph, the
 155 term "community center" means a facility operated by a nonprofit
 156 community-based organization for the provision of recreational,
 157 social, or educational services to the public. Any person who
 158 violates this paragraph with respect to:

159 1. A controlled substance named or described in s.
 160 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
 161 commits a felony of the first degree, punishable as provided in
 162 s. 775.082, s. 775.083, or s. 775.084. The defendant must be
 163 sentenced to a minimum term of imprisonment of 3 calendar years
 164 unless the offense was committed within 1,000 feet of the real
 165 property comprising a child care facility as defined in s.
 166 402.302.

167 2. A controlled substance named or described in s.
 168 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,

169 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 170 the second degree, punishable as provided in s. 775.082, s.
 171 775.083, or s. 775.084.

172 3. Any other controlled substance, except as lawfully
 173 sold, manufactured, or delivered, must be sentenced to pay a
 174 \$500 fine and to serve 100 hours of public service in addition
 175 to any other penalty prescribed by law.

176
 177 This paragraph does not apply to a child care facility unless
 178 the owner or operator of the facility posts a sign that is not
 179 less than 2 square feet in size with a word legend identifying
 180 the facility as a licensed child care facility and that is
 181 posted on the property of the child care facility in a
 182 conspicuous place where the sign is reasonably visible to the
 183 public.

184 (d) Except as authorized by this chapter, it is unlawful
 185 for any person to sell, manufacture, or deliver, or possess with
 186 intent to sell, manufacture, or deliver, a controlled substance
 187 in, on, or within 1,000 feet of the real property comprising a
 188 public or private college, university, or other postsecondary
 189 educational institution. Any person who violates this paragraph
 190 with respect to:

191 1. A controlled substance named or described in s.
 192 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
 193 commits a felony of the first degree, punishable as provided in
 194 s. 775.082, s. 775.083, or s. 775.084.

195 2. A controlled substance named or described in s.
 196 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,

197 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 198 the second degree, punishable as provided in s. 775.082, s.
 199 775.083, or s. 775.084.

200 3. Any other controlled substance, except as lawfully
 201 sold, manufactured, or delivered, must be sentenced to pay a
 202 \$500 fine and to serve 100 hours of public service in addition
 203 to any other penalty prescribed by law.

204 (e) Except as authorized by this chapter, it is unlawful
 205 for any person to sell, manufacture, or deliver, or possess with
 206 intent to sell, manufacture, or deliver, a controlled substance
 207 not authorized by law in, on, or within 1,000 feet of a physical
 208 place for worship at which a church or religious organization
 209 regularly conducts religious services or within 1,000 feet of a
 210 convenience business as defined in s. 812.171. Any person who
 211 violates this paragraph with respect to:

212 1. A controlled substance named or described in s.
 213 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
 214 commits a felony of the first degree, punishable as provided in
 215 s. 775.082, s. 775.083, or s. 775.084.

216 2. A controlled substance named or described in s.
 217 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 218 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 219 the second degree, punishable as provided in s. 775.082, s.
 220 775.083, or s. 775.084.

221 3. Any other controlled substance, except as lawfully
 222 sold, manufactured, or delivered, must be sentenced to pay a
 223 \$500 fine and to serve 100 hours of public service in addition
 224 to any other penalty prescribed by law.

225 (f) Except as authorized by this chapter, it is unlawful
 226 for any person to sell, manufacture, or deliver, or possess with
 227 intent to sell, manufacture, or deliver, a controlled substance
 228 in, on, or within 1,000 feet of the real property comprising a
 229 public housing facility at any time. For purposes of this
 230 section, the term "real property comprising a public housing
 231 facility" means real property, as defined in s. 421.03(12), of a
 232 public corporation created as a housing authority pursuant to
 233 part I of chapter 421. Any person who violates this paragraph
 234 with respect to:

235 1. A controlled substance named or described in s.
 236 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
 237 commits a felony of the first degree, punishable as provided in
 238 s. 775.082, s. 775.083, or s. 775.084.

239 2. A controlled substance named or described in s.
 240 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 241 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 242 the second degree, punishable as provided in s. 775.082, s.
 243 775.083, or s. 775.084.

244 3. Any other controlled substance, except as lawfully
 245 sold, manufactured, or delivered, must be sentenced to pay a
 246 \$500 fine and to serve 100 hours of public service in addition
 247 to any other penalty prescribed by law.

248 (g) Except as authorized by this chapter, it is unlawful
 249 for any person to manufacture methamphetamine or phencyclidine,
 250 or possess any listed chemical as defined in s. 893.033 in
 251 violation of s. 893.149 and with intent to manufacture
 252 methamphetamine or phencyclidine. If any person violates this

253 paragraph and:

254 1. The commission or attempted commission of the crime
 255 occurs in a structure or conveyance where any child under 16
 256 years of age is present, the person commits a felony of the
 257 first degree, punishable as provided in s. 775.082, s. 775.083,
 258 or s. 775.084. In addition, the defendant must be sentenced to a
 259 minimum term of imprisonment of 5 calendar years.

260 2. The commission of the crime causes any child under 16
 261 years of age to suffer great bodily harm, the person commits a
 262 felony of the first degree, punishable as provided in s.
 263 775.082, s. 775.083, or s. 775.084. In addition, the defendant
 264 must be sentenced to a minimum term of imprisonment of 10
 265 calendar years.

266 (h) Except as authorized by this chapter, it is unlawful
 267 for any person to sell, manufacture, or deliver, or possess with
 268 intent to sell, manufacture, or deliver, a controlled substance
 269 in, on, or within 1,000 feet of the real property comprising an
 270 assisted living facility, as that term is used in chapter 429.
 271 Any person who violates this paragraph with respect to:

272 1. A controlled substance named or described in s.
 273 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
 274 commits a felony of the first degree, punishable as provided in
 275 s. 775.082, s. 775.083, or s. 775.084.

276 2. A controlled substance named or described in s.
 277 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 278 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 279 the second degree, punishable as provided in s. 775.082, s.
 280 775.083, or s. 775.084.

281 (2) (a) Except as authorized by this chapter and chapter
 282 499, it is unlawful for any person to purchase, or possess with
 283 intent to purchase, a controlled substance. Any person who
 284 violates this provision with respect to:

285 1. A controlled substance named or described in s.
 286 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4.,
 287 commits a felony of the second degree, punishable as provided in
 288 s. 775.082, s. 775.083, or s. 775.084.

289 2. A controlled substance named or described in s.
 290 893.03(1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6.,
 291 (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) commits a felony of
 292 the third degree, punishable as provided in s. 775.082, s.
 293 775.083, or s. 775.084.

294 3. A controlled substance named or described in s.
 295 893.03(5) commits a misdemeanor of the first degree, punishable
 296 as provided in s. 775.082 or s. 775.083.

297 (b) Except as provided in this chapter, it is unlawful to
 298 purchase in excess of 10 grams of any substance named or
 299 described in s. 893.03(1) (a) or (1) (b), or any combination
 300 thereof, or any mixture containing any such substance. Any
 301 person who violates this paragraph commits a felony of the first
 302 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 303 775.084.

304 (4) Except as authorized by this chapter, it is unlawful
 305 for any person 18 years of age or older to deliver any
 306 controlled substance to a person under the age of 18 years, or
 307 to use or hire a person under the age of 18 years as an agent or
 308 employee in the sale or delivery of such a substance, or to use

309 such person to assist in avoiding detection or apprehension for
 310 a violation of this chapter. Any person who violates this
 311 provision with respect to:

312 (a) A controlled substance named or described in s.
 313 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
 314 commits a felony of the first degree, punishable as provided in
 315 s. 775.082, s. 775.083, or s. 775.084.

316 (b) A controlled substance named or described in s.
 317 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 318 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 319 the second degree, punishable as provided in s. 775.082, s.
 320 775.083, or s. 775.084.

321
 322 Imposition of sentence may not be suspended or deferred, nor
 323 shall the person so convicted be placed on probation.

324 (5) It is unlawful for any person to bring into this state
 325 any controlled substance unless the possession of such
 326 controlled substance is authorized by this chapter or unless
 327 such person is licensed to do so by the appropriate federal
 328 agency. Any person who violates this provision with respect to:

329 (a) A controlled substance named or described in s.
 330 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
 331 commits a felony of the second degree, punishable as provided in
 332 s. 775.082, s. 775.083, or s. 775.084.

333 (b) A controlled substance named or described in s.
 334 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 335 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 336 the third degree, punishable as provided in s. 775.082, s.

337 775.083, or s. 775.084.

338 (c) A controlled substance named or described in s.
339 893.03(5) commits a misdemeanor of the first degree, punishable
340 as provided in s. 775.082 or s. 775.083.

341 Section 4. For the purpose of incorporating the amendment
342 made by this act to section 893.03, Florida Statutes, in
343 references thereto, paragraph (1) of subsection (1) of section
344 893.135, Florida Statutes, is reenacted to read:

345 893.135 Trafficking; mandatory sentences; suspension or
346 reduction of sentences; conspiracy to engage in trafficking.—

347 (1) Except as authorized in this chapter or in chapter 499
348 and notwithstanding the provisions of s. 893.13:

349 (1)1. Any person who knowingly sells, purchases,
350 manufactures, delivers, or brings into this state, or who is
351 knowingly in actual or constructive possession of, 1 gram or
352 more of lysergic acid diethylamide (LSD) as described in s.
353 893.03(1)(c), or of any mixture containing lysergic acid
354 diethylamide (LSD), commits a felony of the first degree, which
355 felony shall be known as "trafficking in lysergic acid
356 diethylamide (LSD)," punishable as provided in s. 775.082, s.
357 775.083, or s. 775.084. If the quantity involved:

358 a. Is 1 gram or more, but less than 5 grams, such person
359 shall be sentenced to a mandatory minimum term of imprisonment
360 of 3 years, and the defendant shall be ordered to pay a fine of
361 \$50,000.

362 b. Is 5 grams or more, but less than 7 grams, such person
363 shall be sentenced to a mandatory minimum term of imprisonment
364 of 7 years, and the defendant shall be ordered to pay a fine of

365 \$100,000.

366 c. Is 7 grams or more, such person shall be sentenced to a
 367 mandatory minimum term of imprisonment of 15 calendar years and
 368 pay a fine of \$500,000.

369 2. Any person who knowingly manufactures or brings into
 370 this state 7 grams or more of lysergic acid diethylamide (LSD)
 371 as described in s. 893.03(1)(c), or any mixture containing
 372 lysergic acid diethylamide (LSD), and who knows that the
 373 probable result of such manufacture or importation would be the
 374 death of any person commits capital manufacture or importation
 375 of lysergic acid diethylamide (LSD), a capital felony punishable
 376 as provided in ss. 775.082 and 921.142. Any person sentenced for
 377 a capital felony under this paragraph shall also be sentenced to
 378 pay the maximum fine provided under subparagraph 1.

379 Section 5. For the purpose of incorporating the amendment
 380 made by this act to section 893.03, Florida Statutes, in
 381 references thereto, paragraphs (b), (c), and (e) of subsection
 382 (3) of section 921.0022, Florida Statutes, are reenacted to
 383 read:

384 921.0022 Criminal Punishment Code; offense severity
 385 ranking chart.—

386 (3) OFFENSE SEVERITY RANKING CHART

387 (b) LEVEL 2

388

Florida	Felony	
Statute	Degree	Description

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390	379.2431(1)(e)3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
391	379.2431(1)(e)4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
392	403.413(5)(c)	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.
393	517.07	3rd	Registration of securities and furnishing of prospectus required.
394	590.28(1)	3rd	Intentional burning of lands.
395	784.05(3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
396	787.04(1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
	806.13(1)(b)3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other

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397	810.061(2)	3rd	public service. Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
398	810.09(2)(e)	3rd	Trespassing on posted commercial horticulture property.
399	812.014(2)(c)1.	3rd	Grand theft, 3rd degree; \$300 or more but less than \$5,000.
400	812.014(2)(d)	3rd	Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.
401	812.015(7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
402	817.234(1)(a)2.	3rd	False statement in support of insurance claim.
403	817.481(3)(a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.

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405	817.52 (3)	3rd	Failure to redeliver hired vehicle.
406	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
407	817.60 (5)	3rd	Dealing in credit cards of another.
408	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
409	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
410	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
411	831.01	3rd	Forgery.
412	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
413	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
414	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.

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415	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
416	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
417	832.05(3)(a)	3rd	Cashing or depositing item with intent to defraud.
418	843.08	3rd	Falsely impersonating an officer.
419	893.13(2)(a)2.	3rd	Purchase of any s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs other than cannabis.
420	893.147(2)	3rd	Manufacture or delivery of drug paraphernalia.
421	(c)	LEVEL 3	
422	Florida	Felony	
423	Statute	Degree	Description
424	119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.

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425	316.066 (4) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
426	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
427	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
428	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
429	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
430	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.
431	319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
432	327.35 (2) (b)	3rd	Felony BUI.
433	328.05 (2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.

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- 434 328.07(4) 3rd Manufacture, exchange, or possess vessel
with counterfeit or wrong ID number.
- 435 376.302(5) 3rd Fraud related to reimbursement for
cleanup expenses under the Inland
Protection Trust Fund.
- 436 379.2431(1)(e)5. 3rd Taking, disturbing, mutilating,
destroying, causing to be destroyed,
transferring, selling, offering to sell,
molesting, or harassing marine turtles,
marine turtle eggs, or marine turtle
nests in violation of the Marine Turtle
Protection Act.
- 437 379.2431(1)(e)6. 3rd Soliciting to commit or conspiring to
commit a violation of the Marine Turtle
Protection Act.
- 438 400.9935(4) 3rd Operating a clinic without a license or
filing false license application or
other required information.
- 439 440.1051(3) 3rd False report of workers' compensation
fraud or retaliation for making such a
report.

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440	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
441	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
442	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
443	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
444	697.08	3rd	Equity skimming.
445	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
446	796.05 (1)	3rd	Live on earnings of a prostitute.
447	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
448	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.

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449	810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
450	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
451	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
452	815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
453	817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
454	817.233	3rd	Burning to defraud insurer.
455	817.234(8)(b)-(c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
456	817.234(11)(a)	3rd	Insurance fraud; property value less than \$20,000.
	817.236	3rd	Filing a false motor vehicle insurance

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457			application.
458	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
459	817.413(2)	3rd	Sale of used goods as new.
460	817.505(4)	3rd	Patient brokering.
461	828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
462	831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
463	831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
464	838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
465	843.19	3rd	Injure, disable, or kill police dog or horse.

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466	860.15 (3)	3rd	Overcharging for repairs and parts.
467	870.01 (2)	3rd	Riot; inciting or encouraging.
468	893.13 (1) (a) 2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) drugs).
469	893.13 (1) (d) 2.	2nd	Sell, manufacture, or deliver s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) drugs within 1,000 feet of university.
470	893.13 (1) (f) 2.	2nd	Sell, manufacture, or deliver s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) drugs within 1,000 feet of public housing facility.
471	893.13 (6) (a)	3rd	Possession of any controlled substance other than felony possession of cannabis.

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472 893.13(7)(a)8. 3rd Withhold information from practitioner
regarding previous receipt of or
prescription for a controlled substance.

473 893.13(7)(a)9. 3rd Obtain or attempt to obtain controlled
substance by fraud, forgery,
misrepresentation, etc.

474 893.13(7)(a)10. 3rd Affix false or forged label to package
of controlled substance.

475 893.13(7)(a)11. 3rd Furnish false or fraudulent material
information on any document or record
required by chapter 893.

476 893.13(8)(a)1. 3rd Knowingly assist a patient, other
person, or owner of an animal in
obtaining a controlled substance through
deceptive, untrue, or fraudulent
representations in or related to the
practitioner's practice.

477 893.13(8)(a)2. 3rd Employ a trick or scheme in the
practitioner's practice to assist a
patient, other person, or owner of an
animal in obtaining a controlled
substance.

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478	893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
479	893.13(8)(a)4.	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
480	918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
481	944.47(1)(a)1.- 2.	3rd	Introduce contraband to correctional facility.
482	944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
483	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
484	(e) LEVEL 5		
485	Florida	Felony	
486	Statute	Degree	Description

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487	316.027 (1) (a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
488	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
489	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
490	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
491	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
492	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
493	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
494	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
	624.401 (4) (b) 2.	2nd	Transacting insurance without a

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			certificate or authority; premium collected \$20,000 or more but less than \$100,000.
495	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
496	790.01 (2)	3rd	Carrying a concealed firearm.
497	790.162	2nd	Threat to throw or discharge destructive device.
498	790.163 (1)	2nd	False report of deadly explosive or weapon of mass destruction.
499	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
500	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
501	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
502	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
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504	806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
505	812.0145(2)(b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
506	812.015(8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
507	812.019(1)	2nd	Stolen property; dealing in or trafficking in.
508	812.131(2)(b)	3rd	Robbery by sudden snatching.
509	812.16(2)	3rd	Owning, operating, or conducting a chop shop.
510	817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
511	817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
	817.2341(1),	3rd	Filing false financial statements,

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512	(2) (a) & (3) (a)		making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
513	817.568 (2) (b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more individuals.
514	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.
515	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
516	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
	827.071 (5)	3rd	Possess any photographic material, motion picture, etc., which includes

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517	839.13(2)(b)	2nd	sexual conduct by a child.
518	843.01	3rd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
519	847.0135(5)(b)	2nd	Resist officer with violence to person; resist arrest with violence.
520	847.0137(2) & (3)	3rd	Lewd or lascivious exhibition using computer; offender 18 years or older.
521	847.0138(2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
522	874.05(2)	2nd	Transmission of material harmful to minors to a minor by electronic device or equipment.
523	893.13(1)(a)1.	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
524			Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).

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- 525 893.13(1)(c)2. 2nd Sell, manufacture, or deliver cannabis
(or other s. 893.03(1)(c), (2)(c)1.,
(2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
(2)(c)7., (2)(c)8., (2)(c)9., (3), or
(4) drugs) within 1,000 feet of a child
care facility, school, or state, county,
or municipal park or publicly owned
recreational facility or community
center.
- 526 893.13(1)(d)1. 1st Sell, manufacture, or deliver cocaine
(or other s. 893.03(1)(a), (1)(b),
(1)(d), (2)(a), (2)(b), or (2)(c)4.
drugs) within 1,000 feet of university.
- 527 893.13(1)(e)2. 2nd Sell, manufacture, or deliver cannabis
or other drug prohibited under s.
893.03(1)(c), (2)(c)1., (2)(c)2.,
(2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7.,
(2)(c)8., (2)(c)9., (3), or (4) within
1,000 feet of property used for
religious services or a specified
business site.
- 893.13(1)(f)1. 1st Sell, manufacture, or deliver cocaine
(or other s. 893.03(1)(a), (1)(b),
(1)(d), or (2)(a), (2)(b), or (2)(c)4.

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drugs) within 1,000 feet of public housing facility.

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893.13(4)(b) 2nd Deliver to minor cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).

529

893.1351(1) 3rd Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.

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Section 6. This act shall take effect July 1, 2011.